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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ASIA: Council must urge governments to rein in big businesses violating human rights of the people

1. While celebrating extraordinary tales of economic growth, many of the Asian countries have seen their citizens falling through the cracks. Even a cursory glance at the recent stories of growth and development in these countries shows how inequitable it has been for those at the margins of society. Many hardships are faced to access what should be theirs as a matter of right. Unfortunately, the big corporate houses have often been found to be behind many of the human rights violations despite their claims of being champions of corporate social responsibility.

2. This written submission refers to conditions in Bangladesh, People's Republic of China, India, Indonesia, Nepal, Pakistan, and the Philippines. In many of these countries a substantial section of the population stands at the threshold of poverty and food insecurity due to skewed development policies adopted by their governments.

3. Large scale land acquisitions facilitated for establishing special economic zones (SEZs) aimed at encouraging manufacturing in India and for promoting export-oriented agriculture and land development in the Philippines come across as the worst examples of sacrificing people on the altar of development. The push for SEZs requires about 50,000 hectares of agricultural land for SEZs and that increases to a whopping 1.49 lakh hectares if one includes all projects which include industrial, mining, irrigation and infrastructural projects. The evidence shows that the authorities in India have often used coercive force for the acquisitions and have seldom compensated the people adequately.

4. 2000 acres of land being handed over to POSCO in the name of 'public interest' is a case in point. The lands are being claimed as government land and are acquired by the Industrial Development Corporation of India (IDCO) but they are in fact public land, which forest dwellers, farmers and adivasis (indigenous people) have been depending on for generations. Just like the air, sea, or river, those who depend on the forest for their survival, have so far shared it. They have their own rules for its use, protection and conservation, set up over generations. The government, acting at the behest of POSCO, has acquired the land forcibly, displacing more than 22,000 people even by the most modest estimates. It has further cut down some 60,000 trees on this land already and is ready to cut down an estimated ten times more. Deforestation may only benefit the POSCO and indirectly the government from the revenue generated from the project. The environmental impact caused by the massive deforestation is of no 'public interest', nor is it 'public responsibility' to bear the long-term consequences of deforestation. Similar are the stories of many such projects being carried out for the corporations across the country.

5. The absence of a clear land use policy in the Philippines has led to a lot of land being appropriated by the big agribusiness companies often at the cost of small and marginal farmers' rights and food security. The mushrooming of such projects has also resulted in large scale internal displacement or land dispossession of farmers and has even reduced them to farm labourers. There are also reported cases of involuntary disappearances of farmers and/or activists opposed to the big agribusiness companies. Mining is another woe for the poor of the Philippines with Mindanao, the mining capital of the country, being worst affected as more than half of the region's 2.4 million residents live in poverty. This has caused a huge unrest in the area with people protesting against the corporations. The situation is not much different for the urban poor whose habitats are being demolished for various projects. The ALRC, for example, has intervened in the case of an ongoing demolition drive affecting more than 5,500 families, or 30,000 people of San Roque, North Triangle, Quezon City. The demolition and eviction drive to make way for the implementation of the Vertis North Project under the Quezon City Central Business District has exposed the affected citizens to severe hardships while also endangering their livelihood and thereby pushing them towards poverty. Many other communities in the Philippines are living under perennial threat of getting displaced.

6. Huge tragedies like Rana Plaza building collapse in Bangladesh that killed 1137 workers and left another 1000 with serious injuries have brought to the fore the rampant violation of labour and human rights of workers by big businesses. Turned literally into a sweatshop for global brands with some 4,500 garment factories employ approximately 4 million workers, Bangladesh has seen many calamities like this. The blaze in multi-floor Tazreen Fashion factory in the Ashulia district on the outskirts of the capital Dhaka that killed more than 100 workers in 2012 is just one of countless examples of the death traps that are passed off as factories in Bangladesh. Unfortunately, neither the government nor the business has owned up their role in making of the disasters and they have failed to bring into any serious reforms into the living and working conditions. Many of the big companies like Benetton, Bonmarché,

Mango, Matalan, Primark and Walmart whose labels were found in the dust have refused to pay compensation to those injured and killed in the Rana Plaza collapse. Some like Walmart are contesting the claims that their label was being manufactured there. The response of the government of Bangladesh is worse which has asked the relatives to prove that their kith and kin worked in the complex to get compensation and has even required them to provide DNA evidence, an impossibility in the cases of over 300 bodies charred beyond recognition, that a certain body is that of their own kin.

7. Land grabbing, especially for Palm oil, has emerged as a serious issue in Indonesia as well and is threatening scores of small farmers with imminent loss of their livelihood opportunities.

8. The situation demands an immediate action from the international community for initiating land and labour reforms and put an end to the continuing violation of the rights of the people. The United Nations Human Rights Council, a vital global institution, must stand in the forefront of these actions instead of merely asking Asian governments to take action on their own which they are most unlikely to take in any case. The Council must seriously consider making the corporate social responsibilities into an international law obligation by substantially developing international law which is visibly lacking at the moment. The Council must also take notice not merely of the adverse impacts on communities affected by projects but also criticize the countries where these big businesses are based and urge them to rein them in.